

**AMENDED AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
Southern District of New York

Index Number: 12-CIV-5025

Date Filed: \_\_\_\_\_

Plaintiff:

**CAPITAL ONE, NATIONAL ASSOCIATION**

vs.

Defendant:

**201 W. 134 ST LLC, et al.**

For:

Schiff Hardin, LLP  
666 Fifth Avenue, 17th Floor  
New York, NY 10103

Received by Lex-Serv, LLC (DCA # 1413475) to be served on **Gerald Migdol a/k/a Jerry Migdol c/o 201 West 134th Street LLC, 223 West 138th Street, Ground Floor, New York, NY 10030**.

I, Nicholas Kelly, being duly sworn, depose and say that on the **13th day of July, 2012 at 11:40 am, I:**

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in a Civil Action, Verified Complaint for Foreclosure of Mortgage and Enforcement of Guaranty with Exhibits** with "John Doe" at **223 West 138th Street, Ground Floor, New York, NY 10030**, the said premises being the respondent's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the within named document in a postpaid envelope addressed to: **223 West 138th Street, Ground Floor, New York, NY 10030** and bearing the words "Personal & Confidential" by First Class Mail on **7/13/2012** and placed in an official depository of the U.S.P.S. in the State of New York.

**Additional Information pertaining to this Service:**

"John Doe" refused to accept the Summons and Complaint. I noticed a desk near "John Doe" in the office of 233 West 138th Street Ground Floor. I informed "John Doe" that I would be leaving said documents on that desk if he refused to accept the documents. I did leave the documents on that desk in the office located at 223 West 138th Street Ground Floor, New York, NY 10030.

**Description of Person Served:** Age: 40, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 170, Hair: Dark Brown, Glasses: N

I certify that I am not a party herein, I am a resident of the State of New York and I am over the age of 18.

Subscribed and Sworn to before me on the 24<sup>th</sup> day  
of AUGUST, 2012 by the affiant who is  
personally known to me.

DANIEL A. LEVINE  
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF NEW YORK  
No. GLE6154152  
Qualified in Queens County  
My Commission Expires October 23, 2014

  
Nicholas Kelly  
1284490

Lex-Serv, LLC (DCA # 1413475)  
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New York, NY 10017  
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Our Job Serial Number: LXS-2012001267